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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PIERRE ELIE ARBAJIAN

Appeal 2009-011344
Application 10/785,142
Technology Center 2400

Before ALLEN R. MACDONALD, ROBERT E. NAPPI, and
CARL W. WHITEHEAD JR., *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection
of claims 1 through 21.

We affirm.

INVENTION

The invention is directed to data security for a data warehouse.

(Spec. 1). Claim 1 is representative of the invention and reproduced below:

A data security system, comprising:
an implicit clearance system;
an explicit clearance system;
a field level clearance system; and
a data anonymization system; wherein each system consists [of]
(sic) an administrator configuration.

REFERENCES

O'FLAHERTY	US 6,275,824 B1	Aug. 14, 2001
WONG	US 6,578,037 B1	Jun. 10, 2003

REJECTIONS AT ISSUE

The Examiner has rejected claims 1 and 17 under 35 U.S.C. § 101 as not being drawn to statutory subject matter. Answer 3-4.¹

The Examiner has rejected claims 1 through 21 under 35 U.S.C. § 103(a) as being unpatentable over O'Flaherty in view of Wong. Answer 4-10.

ISSUES

Rejection under 35 U.S.C. § 101

Appellant argues on pages 6 and 7 of the Brief the Examiner's rejection based under 35 U.S.C. § 101 is in error.² These arguments present

¹ Throughout this opinion we refer to the Examiner's Answer mailed on March 19, 2009.

² Throughout this opinion we refer to the Substitute Appeal Brief dated April 2, 2009.

us with the issue; did the Examiner err in determining that independent claims 1 and 17 are not directed to statutory subject matter?

Rejection under 35 U.S.C. § 103

Appellant argues on pages 4 through 6 of the Brief the Examiner's rejection based under 35 U.S.C. § 103 is in error. Appellant argues that the independent claims require the three clearance systems and data anonymization system be configured by an administrator. Appellant states that the primary reference O'Flaherty allows the users individually to change the systems (which control the policy functions governing access to their data) as such modifying O'Flaherty to have the system configured by an administrator would render it unworkable. These arguments present us with the issue; did the Examiner err in determining that the skilled artisan would modify O'Flaherty such that the systems, that are part of the data security system, are configured by an administrator?

ANALYSIS

Rejection under 35 U.S.C. § 101

We have reviewed the Examiners' rejection in light of Appellant's arguments that the Examiner has erred. We disagree with Appellant's conclusion the Examiner erred in finding that independent claims 1 and 17 are not directed to statutory subject matter. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. We concur with the conclusion reached by the Examiner. We note that Appellant

identifies items 14, 16, 18 and 20 of figure 1 (implicit clearance, explicit clearance, field level clearance and data anonymization, systems) as the parts of a machine which grants, denies or limits access to a data warehouse. Brief 6-7. However, the description of these items in the Specification merely identifies them as “systems” which perform a function and do not identify any machine which performs the functions. Thus, there is no disclosure in Appellant’s Specification to support Appellant’s contention that the claim is limited to a machine, and do not encompass just a series of mental steps as stated by the Examiner on page 3 of the Brief. Accordingly we sustain the Examiner’s rejection of claims 1 and 17 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 103

We have reviewed the Examiners’ rejection in light of Appellant’s arguments that the Examiner has erred. We disagree with Appellant’s conclusion the Examiner erred in determining that the skilled artisan would modify O’Flaherty such that the systems that are part of the data security system are configured by an administrator. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief. We concur with the conclusion reached by the Examiner.

Specifically, Appellant’s arguments center on two premises. First that the claims require that an administrator configure the clearance systems and that a client or consumer is prohibited from configuring such a system. Brief 5. Second, that the purpose of O’Flaherty is to allow the consumer to

specify the circumstances under which information may be retained or shared. Brief 6.

With regard to the first premise of Appellant's argument; the Examiner finds, and Appellant does not contest, that Wong teaches a database system with administrator set configurations. Answer 5. Thus, the Examiner has established that administrator configurations are known. We further note that while the independent claims recite an "administrator configuration" Appellant's Specification does not define an administrator configuration as prohibiting client or consumer from making the configuration. Thus, Appellant's argument is not commensurate in scope with the claims.

With regard to the second premise of Appellant's argument; the Examiner finds that the purpose of O'Flaherty is to manage privacy in a database management system and that this purpose does not prohibit an administrator from configuring the systems. Answer 11. We concur with this finding by the Examiner. While O'Flaherty may include the provision that a user can set the privacies, there is no teaching precluding these settings from being set by an administrator or that the user can not also be an administrator. Thus, Appellant has not persuaded us that modifying O'Flaherty's system would render it unworkable. Accordingly, Appellant has not persuaded us of error in the Examiner's obviousness rejection.

DECISION³

The Examiner has not erred in rejecting claims 1 and 17 under 35 U.S.C. § 101 as not being drawn to statutory subject matter.

The Examiner has not erred in rejecting claims under 35 U.S.C. § 103(a) as being unpatentable over O’Flaherty in view of Wong.
Answer 4-10.

ORDER

The decision of the Examiner to reject claims 1 through 21 is affirmed.

AFFIRMED

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³ We have decided the appeal before us. However, should there be further prosecution of these claims; the Examiner’s attention is directed to recently issued guidance from the Director as follows below in the citations to the Federal Register and Official Gazette. Should there be further prosecution with respect to claims 12-16, 15-38, and 40, the Examiner's attention is directed to *Ariad Pharms., Inc. v. Eli Lilly & Co*, 598 F.3d 1336 (CAFC 2010)(en banc), and 76 Fed. Reg. 7162, 7167-71 (Feb. 9, 2011) at Part 1.III. C.1-3, and Part 2.I.; Suppl. Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for Treatment of Related Issues in Patent Applications.